

**UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS**

VALDEMAR DOCARMO Plaintiff)	
V.)	
M & P FISHING CORPORATION Defendants)	
)	Civil Action
)	No.

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

Now comes the Plaintiff in the above-entitled matter and for his complaint states:

General Factual Allegations

1. The Plaintiff, Valdemar Docarmo, is a resident of New Bedford, Massachusetts.
2. The Defendant, M & P Fishing Corporation, is a foreign corporation duly organized and existing under the laws of the Commonwealth of Massachusetts.
3. On or about September 28, 2017, the Defendant, M & P Fishing Corporation, was doing business within the Commonwealth of Massachusetts.
4. On or about September 28, 2017, the Plaintiff, Valdemar Docarmo, was employed by the Defendant, M & P Fishing Corporation.
5. On or about September 28, 2017, the Plaintiff, Valdemar Docarmo, was employed by the Defendant, M & P Fishing Corporation, as a seaman and a member of the crew of the F/V FISHERMAN.
6. On or about September 28, 2017, the Defendant, M & P Fishing Corporation, owned the F/V FISHERMAN.

7. The Defendant, M & P Fishing Corporation, chartered the F/V FISHERMAN from some other person or entity such that on or about September 28, 2017, the Defendant, M & P Fishing Corporation, was the owner pro hac vice of the F/V FISHERMAN.

8. On or about September 28, 2017, the Defendant, M & P Fishing Corporation, operated the F/V FISHERMAN.

9. On or about September 28, 2017, the Defendant, M & P Fishing Corporation, or the Defendant's agents, servants and/or employees, controlled the F/V FISHERMAN.

10. On or about September 28, 2017, the F/V FISHERMAN was in navigable waters.

11. On or about September 28, 2017, while in the in the performance of his duties in the service of the F/V FISHERMAN, the Plaintiff, Valdemar Docarmo, sustained personal injuries.

12. Prior to and at the time he sustained the above-mentioned personal injuries, the Plaintiff, Valdemar Docarmo, was exercising due care.

Jurisdiction

13. This Court has subject matter jurisdiction over this matter pursuant to The Merchant Marine Act of 1920, commonly called the Jones Act, 46 U.S.C., §30104 et. seq. (formerly §688 et. seq.).

14. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §1331 and alternatively 28 U.S.C. § 1333.

COUNT I

VALDEMAR DOCARMO V. M & P FISHING CORPORATION
(JONES ACT NEGLIGENCE)

15. The Plaintiff, Valdemar Docarmo, reiterates the allegations set forth in paragraphs 1 through 14 above.

16. The personal injuries sustained by the Plaintiff, Valdemar Docarmo, were not caused by any fault on his part but were caused by the negligence of the Defendant, its agents, servants and/or employees.

17. As a result of said injuries, the Plaintiff, Valdemar Docarmo, has suffered pain of body and anguish of mind, lost time from his usual work and pursuits, incurred medical expenses, and has sustained and will sustain other damages as will be shown at trial.

18. This cause of action is brought under the Merchant Marine Act of 1920, commonly called the Jones Act.

WHEREFORE, the Plaintiff, Valdemar Docarmo, demands judgment against the Defendant, M & P Fishing Corporation, in an amount to be determined by a jury together with interest and costs.

COUNT II

VALDEMAR DOCARMO V. M & P FISHING CORPORATION
(GENERAL MARITIME LAW - UNSEAWORTHINESS)

19. The Plaintiff, Valdemar Docarmo, reiterates the allegations set forth in paragraphs 1 through 14 above.

20. The personal injuries sustained by the Plaintiff, Valdemar Docarmo, were due to no fault of his, but were caused by the unseaworthiness of the F/V FISHERMAN.

21. As a result of said injuries, the Plaintiff, Valdemar Docarmo, has suffered pain of body and anguish of mind, lost time from his usual work and pursuits, incurred medical expenses, and has sustained and will sustain other damages as will be shown at trial.

22. This cause of action is brought under the General Maritime Law for unseaworthiness and is for the same cause of action as Count II.

WHEREFORE, the Plaintiff, Valdemar Docarmo, demands judgment against the Defendant, M & P Fishing Corporation, in an amount to be determined by a jury together with interest and costs.

COUNT III

VALDEMAR DOCARMO V. M & P FISHING CORPORATION **(GENERAL MARITIME LAW - MAINTENANCE and CURE)**

23. The Plaintiff, Valdemar Docarmo, reiterates all of the allegations set forth in Paragraphs 1 through 14 above.

24. As a result of the personal injuries described in paragraph 11 above, the Plaintiff, Valdemar Docarmo, has incurred and will continue to incur expenses for his maintenance and cure.

WHEREFORE, the Plaintiff, Valdemar Docarmo, demands judgment against the Defendant, M & P Fishing Corporation, in an amount to be determined by a jury for maintenance and cure, together with costs and interest.

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES

RAISED IN COUNTS I, II & III

**Respectfully submitted for
the Plaintiff, VALDEMAR DOCARMO,
by his attorneys,**

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